

Senate File 2369 - Reprinted

SENATE FILE 2369
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3196)

(As Amended and Passed by the Senate March 12, 2018)

A BILL FOR

1 An Act relating to a person's county of residence as the basis
2 for determining financial responsibility for certain human
3 services programs and treatment or support services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35D.9, Code 2018, is amended to read as
2 follows:

3 **35D.9 County of ~~settlement~~ residence upon discharge.**

4 A member of the home does not acquire ~~legal settlement~~
5 residency in the county in which the home is located unless
6 the member is voluntarily or involuntarily discharged from the
7 home, ~~continuously resides in the county for a period of one~~
8 ~~year subsequent to the discharge, and during that year is not~~
9 ~~readmitted to the home or does not receive any services from~~
10 ~~the home~~ and the member meets county of residence requirements.
11 For purposes of this section, "county of residence" means the
12 same as defined in section 331.394.

13 Sec. 2. Section 125.2, Code 2018, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4A. "*County of residence*" means the same
16 as defined in section 331.394.

17 Sec. 3. Section 125.2, subsection 13, Code 2018, is amended
18 by striking the subsection.

19 Sec. 4. Section 139A.12, Code 2018, is amended to read as
20 follows:

21 **139A.12 County liability for care, provisions, and medical**
22 **attendance.**

23 The local board shall provide proper care, provisions, and
24 medical attendance for any person removed and isolated or
25 quarantined in a separate house or hospital for detention and
26 treatment, and the care, provisions, and medical attendance
27 shall be paid for by the county in which the infected person
28 has a ~~legal settlement~~ residence, if the patient or legal
29 guardian is unable to pay.

30 Sec. 5. Section 139A.18, Code 2018, is amended to read as
31 follows:

32 **139A.18 Reimbursement from county.**

33 If any person receives services or supplies under this
34 chapter who does not have a ~~legal settlement~~ residence in the
35 county in which the bills were incurred and paid, the amount

1 paid shall be certified to the board of supervisors of the
2 county in which the person claims settlement or owns property,
3 and the board of supervisors of that county shall reimburse the
4 county from which the claim is certified, in the full amount
5 originally paid.

6 Sec. 6. Section 232.141, subsections 7 and 8, Code 2018, are
7 amended to read as follows:

8 7. A county charged with the costs and expenses under
9 subsections 2 and 3 may recover the costs and expenses from the
10 ~~county where the child has legal settlement~~ child's custodial
11 parent's county of residence, as defined in section 331.394,
12 by filing verified claims which are payable as are other
13 claims against the county. A detailed statement of the facts
14 upon which a claim is based shall accompany the claim. Any
15 ~~dispute involving the legal settlement of a child for which the~~
16 ~~court has ordered payment under this section~~ shall be settled
17 pursuant to sections 252.22 and 252.23.

18 8. This subsection applies only to placements in a juvenile
19 shelter care home which is publicly owned, operated as a county
20 or multicounty shelter care home, organized under a chapter 28E
21 agreement, or operated by a private juvenile shelter care home.
22 If the actual and allowable costs of a child's shelter care
23 placement exceed the amount the department is authorized to
24 pay in accordance with law and administrative rule, the unpaid
25 costs may be recovered from the child's custodial parent's
26 county of legal settlement residence. However, the maximum
27 amount of the unpaid costs which may be recovered under this
28 subsection is limited to the difference between the amount
29 the department is authorized to pay and the statewide average
30 of the actual and allowable rates in effect in May of the
31 preceding fiscal year for reimbursement of juvenile shelter
32 care homes. In no case shall the home be reimbursed for more
33 than the home's actual and allowable costs. The unpaid costs
34 are payable pursuant to filing of verified claims against
35 the child's custodial parent's county of legal settlement

1 residence. A detailed statement of the facts upon which a
2 claim is based shall accompany the claim. Any dispute between
3 counties arising from filings of claims pursuant to this
4 subsection shall be settled in the manner provided to determine
5 residency in [section 331.394](#).

6 Sec. 7. Section 252.24, Code 2018, is amended to read as
7 follows:

8 **252.24 County of ~~settlement~~ residence liable — exception.**

9 1. The county ~~where the settlement is~~ of residence, as
10 defined in section 331.394, shall be liable to the county
11 granting assistance for all reasonable charges and expenses
12 incurred in the assistance and care of a poor person.

13 2. When assistance is furnished by any governmental agency
14 of the county, township, or city, the assistance shall be
15 deemed to have been furnished by the county in which the
16 agency is located and the agency furnishing the assistance
17 shall certify the correctness of the costs of the assistance
18 to the board of supervisors of that county and that county
19 shall collect from the ~~county of the person's settlement~~ county
20 of residence. The amounts collected by the county where the
21 agency is located shall be paid to the agency furnishing the
22 assistance. This statute applies to services and supplies
23 furnished as provided in [section 139A.18](#).

24 3. ~~Notwithstanding [subsection 2](#), if~~ This section shall
25 apply to assistance or maintenance ~~is provided by a county~~
26 through the county's mental health and disability services
27 system implemented under [chapter 331](#), ~~liability for the~~
28 ~~assistance and maintenance is the responsibility of the~~
29 ~~person's county of residence~~.

30 Sec. 8. Section 331.502, subsection 14, Code 2018, is
31 amended by striking the subsection.

32 Sec. 9. Section 331.653, subsection 25, Code 2018, is
33 amended by striking the subsection.

34 Sec. 10. Section 347.16, subsection 3, Code 2018, is amended
35 to read as follows:

1 3. Care and treatment may be furnished in a county public
2 hospital to any sick or injured person who has ~~legal settlement~~
3 residence outside the county which maintains the hospital,
4 subject to such policies and rules as the board of hospital
5 trustees may adopt. If care and treatment is provided under
6 this subsection to a person who is indigent, the ~~county in~~
7 ~~which that person has legal settlement~~ person's county of
8 residence, as defined in section 331.394, shall pay to the
9 board of hospital trustees the fair and reasonable cost of
10 the care and treatment provided by the county public hospital
11 unless the cost of the indigent person's care and treatment is
12 otherwise provided for. If care and treatment is provided to
13 an indigent person under this subsection, the county public
14 hospital furnishing the care and treatment shall immediately
15 notify, by regular mail, the auditor of the county of ~~legal~~
16 ~~settlement~~ residence of the indigent person of the provision
17 of care and treatment to the indigent person. ~~However, if the~~
18 including care and treatment ~~is~~ provided by a county through
19 the county's mental health and disability services system
20 implemented under chapter 331, ~~liability for the assistance~~
21 ~~and maintenance is the responsibility of the person's county~~
22 ~~of residence.~~

23 Sec. 11. REPEAL. Sections 252.16, 252.17, 252.18, 252.22,
24 and 252.23, Code 2018, are repealed.